

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

REMARKS

The Office Action dated August 27, 2004 has been carefully reviewed and the foregoing amendments have been made as a consequence thereof.

Claims 1, 3-5 and 7-21 are now pending in this application. Claims 1-5 and 7-21 stand rejected. Claims 2 and 6 have been canceled.

The rejection of Claims 1, 2, 8-10, 14, 15, and 17 under 35 U.S.C. 102(b) as being anticipated by Hughes et al. is respectfully traversed.

Hughes et al. describe a dishwasher front, as shown in Fig. 1. The dishwasher front includes an outer door panel having a frame which is defined by a top edge, a bottom edge, and two vertical lateral sides. A control panel is mounted on the top edge of the outer door panel. Applicants respectfully traverse the assertion in the Office Action, at page 2, that "the outer surface [of the outer door panel] extends between the control panel and the top edge of the frame." Rather, the control panel is mounted on the top edge of the frame.

Claim 1 recites an outer door panel for an appliance door assembly, the outer door panel having a longitudinal axis and comprises "a frame comprising opposite lateral sides, a top edge, and a bottom edge...an outer surface extending from said frame and bowed between said lateral sides and said top and bottom edges...a recessed control mounting surface extending inwardly from said outer surface between said lateral sides, said recessed control mounting surface disposed at an angle with respect to said longitudinal axis, said recessed control mounting surface positioned a distance from said top edge such that said outer surface extends between said control mounting surface and said top edge of said frame".

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

Hughes et al. do not describe or suggest an outer door panel for an appliance door assembly as recited in the Claim 1. More specifically, Hughes et al. do not describe or suggest a recessed control mounting surface positioned a distance from a top edge of a frame of the door panel such that an outer surface of the door panel extends between the control mounting surface and the top edge of the frame. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Hughes et al.

Claim 2 has been cancelled.

Claim 8 recites an outer door panel for a dishwasher, the outer door panel including "a frame comprising a longitudinal axis...an outer surface covering said frame...a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis, such that said control panel mounting surface is mostly shielded by said outer surface."

Hughes et al. do not describe or suggest an outer door panel for an appliance door assembly as recited in the Claim 8. More specifically, Hughes et al. do not describe or suggest a control panel mounting surface within a frame of the door panel and surrounded by an outer surface of the frame. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door. Accordingly, for at least the reasons set forth above, Claim 8 is submitted to be patentable over Hughes et al.

Claims 9 and 10 depend from independent Claim 8. When the recitations of Claims 9 and 10 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 9 and 10 likewise are patentable over Hughes et al.

Claim 14 recites a dishwasher door assembly including "an outer door panel having a longitudinal axis and comprising opposite lateral sides and a top edge, an outer surface extending between said lateral sides and said top edge, said outer surface surrounding a recessed control

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

surface disposed beneath said top edge of said outer panel, such that said recessed control surface is mostly shielded by said top edge, said recessed control surface disposed at an angle with respect to said longitudinal axis...an inner door panel attached to said outer door panel."

Hughes et al. do not describe or suggest a dishwasher door assembly as recited in Claim 14. More specifically, Hughes et al. do not describe or suggest a door assembly having an outer surface surrounding a recessed control surface disposed beneath a top edge of an outer panel of the door assembly. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Hughes et al.

Claim 15 depends from independent Claim 14. When the recitations of Claim 15 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claim 15 likewise is patentable over Hughes et al.

Claim 17 recites a dishwasher door assembly including "an outer door panel comprising a longitudinal axis, a bowed outer surface and a recessed control surface shielded by said outer surface, said recessed control surface disposed at an angle with respect to said longitudinal axis, said outer surface completely surrounding said recessed control surface...a unitary inner door panel attached to said outer door panel."

Hughes et al. do not describe or suggest a dishwasher door assembly as recited in Claim 17. More specifically, Hughes et al. do not describe a bowed outer surface completely surrounding a recessed control surface. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Hughes et al.

For the reasons set forth above, Applicants respectfully request that the section 102(b) rejection of Claims 1, 2, 8-10, 14, 15, and 17 be withdrawn.

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

The rejection of Claims 3-5, 7, 11-13, 16 and 18-21 under 35 U.S.C. 103(a) as being unpatentable over Hughes et al. in view of Cracraft et al. is respectfully traversed.

Hughes et al. is described above. Cracraft et al. describe an appliance control panel (10) including optional switch pads (14), a mounting plate (18), and an overlay assembly (44). The overlay assembly includes a front overlay (46) having a graphics area (48) which is transparent. The control panel having selective backlighting includes a selection area that is normally visible to the operator including a "OPTIONS" switch. By pressing the "OPTIONS" switch, a plurality of lamps is illuminated. The light from the lamps passes through the overlay assembly and illuminates a set of optional switches. Notably, Cracraft et al. do not describe or suggest that the control panel is positioned a distance from a top edge of a door frame, nor does Cracraft et al. describe or suggest that the control panel is surrounded by an outer surface of a door.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe nor suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to Hughes et al. with Cracraft et al., because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Rather, only the conclusory statement that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to modify the door panel of Hughes by using a specific control means therein, i.e. using the control panel provided by Cracraft" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

Further, and to the extent understood, neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe or suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites an outer door panel for an appliance door assembly, the outer door panel having a longitudinal axis and comprises "a frame comprising opposite lateral sides, a top edge, and a bottom edge...an outer surface extending from said frame and bowed between said lateral sides and said top and bottom edges...a recessed control mounting surface extending inwardly from

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

said outer surface between said lateral sides, said recessed control mounting surface disposed at an angle with respect to said longitudinal axis, said recessed control mounting surface positioned a distance from said top edge such that said outer surface extends between said control mounting surface and said top edge of said frame".

Neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe nor suggest an outer door panel for an appliance door assembly as recited in Claim 1. More specifically, neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe nor suggest a recessed control mounting surface positioned a distance from a top edge of a frame of the door panel such that an outer surface of the door panel extends between the control mounting surface and the top edge of the frame. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door, and Cracraft et al. merely describe an appliance control panel. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Hughes et al. in view of Cracraft et al.

Claims 3-5 and 7 depend from independent Claim 1. When the recitations of Claims 3-5 and 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-5 and 7 likewise are patentable over Hughes et al. in view of Cracraft et al.

Claim 8 recites an outer door panel for a dishwasher, the outer door panel including "a frame comprising a longitudinal axis...an outer surface covering said frame...a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis, such that said control panel mounting surface is mostly shielded by said outer surface."

Neither Hughes et al. nor Cracraft et al. considered alone or in combination, describe nor suggest an outer door panel for a dishwasher as recited in Claim 8. Specifically, neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe or suggest a control panel mounting surface within a frame of the door panel and surrounded by an outer surface of the

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

frame. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door, and Cracraft et al. merely describe an appliance control panel. Accordingly, for at least the reasons set forth above, Claim 8 is submitted to be patentable over Hughes et al. in view of Cracraft et al.

Claims 11-13 depend from independent Claim 8. When the recitations of Claims 11-13 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 11-13 likewise are patentable over Hughes et al. in view of Cracraft et al.

Claim 14 recites a dishwasher door assembly including "an outer door panel having a longitudinal axis and comprising opposite lateral sides and a top edge, an outer surface extending between said lateral sides and said top edge, said outer surface surrounding a recessed control surface disposed beneath said top edge of said outer panel, such that said recessed control surface is mostly shielded by said top edge, said recessed control surface disposed at an angle with respect to said longitudinal axis...an inner door panel attached to said outer door panel."

Neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe nor suggest a dishwasher door assembly as recited in Claim 14. More specifically, neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe or suggest a door assembly having an outer surface surrounding a recessed control surface disposed beneath a top edge of an outer panel of the door assembly. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door, and Cracraft et al. merely describe an appliance control panel. Accordingly, for at least the reasons set forth above, Claim 14 is submitted to be patentable over Hughes et al. in view of Cracraft et al.

Claim 16 depends directly from the independent claim 14. When the recitations of Claim 16 are considered in combination with the recitations of Claim 14, Applicants submit that dependent Claim 16 likewise is patentable over Hughes et al. in view of Cracraft et al.

Via Facsimile (703) 872-9306

9D-DW-19866
PATENT

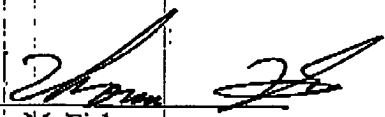
Claim 17 recites a dishwasher door assembly including "an outer door panel comprising a longitudinal axis, a bowed outer surface and a recessed control surface shielded by said outer surface, said recessed control surface disposed at an angle with respect to said longitudinal axis, said outer surface completely surrounding said recessed control surface...a unitary inner door panel attached to said outer door panel."

Neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe nor suggest a dishwasher door assembly as recited in Claim 17. More specifically, neither Hughes et al. nor Cracraft et al., considered alone or in combination, describe or suggest a bowed outer surface completely surrounding a recessed control surface. Rather, Hughes et al. describe a control panel mounted on a top edge of an outer panel of a door, and Cracraft et al. merely describe an appliance control panel. Accordingly, for at least the reasons set forth above, Claim 17 is submitted to be patentable over Hughes et al. in view of Cracraft et al.

Claims 18-21 depend from independent Claim 17. When the recitations of Claims 18-21 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-21 likewise are patentable over Hughes et al. in view of Cracraft et al.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Thomas M. Fisher
Registration No. 47,564
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.